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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

JULIE G.,

Petitioner,

v.

THE SUPERIOR COURT OF
RIVERSIDE COUNTY,

Respondent;

RIVERSIDE COUNTY DEPARTMENT
OF PUBLIC SOCIAL SERVICES,

Real Party in Interest.

E042615

(Super.Ct.No. RIJ113677)

OPINION

ORIGINAL PROCEEDINGS; petition for extraordinary writ. William A.

Anderson, Jr., Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Petition denied.

Dennis Moore, for Petitioner.

No appearance for Respondent.

Joe S. Rank, County Counsel, and Anna M. Deckert, Deputy County Counsel, for Real Party in Interest.

Petitioner Julie G. (mother) filed a petition for extraordinary writ pursuant to California Rules of Court, rule 8.452 (formerly rule 38.1(a)), regarding her son F.H. (the child). Mother contends that the juvenile court erred in denying her reunification services. We deny mother's writ petition.

FACTUAL AND PROCEDURAL BACKGROUND

On January 18, 2007, the Riverside County Department of Public Social Services (the department) filed a Welfare and Institutions Code¹ section 300 petition, alleging that the child, who was four months old, came within section 300, subdivisions (a) (serious physical harm), (b) (failure to protect), and (g) (no provision for support). The petition alleged that the child suffered serious physical harm as a result of being injured during a domestic violence altercation between mother and the child's father (father).² Mother was holding the child when father struck her. The petition further alleged that mother demonstrated a limited ability to protect herself and the child from father's violent behavior in that she admittedly knew father had anger management issues since there had been a history of domestic violence in their relationship, yet she did not want to press charges against father or obtain a temporary restraining order. Furthermore, the petition alleged that mother's two older children were removed from her care by the Child

¹ All further statutory references will be to the Welfare and Institutions Code, unless otherwise noted.

Protective Services in Las Vegas, due to there being no food in the home and her substance abuse issues. Mother was offered services, but failed to complete her case plan, which resulted in the court establishing permanent plans for the older children. In addition, the petition alleged that mother had a history of substance abuse and a criminal history.

The juvenile court detained the child in foster care on January 19, 2007.

Jurisdiction/Disposition

The social worker prepared a jurisdiction/disposition report recommending that mother not be provided with reunification services. The social worker spoke with mother's social worker in Las Vegas, who said that mother's contact with her was infrequent. She reported that mother was offered parenting education and drug treatment services, but failed to follow through with anything. Furthermore, mother's visitation with the older children was very rare and inconsistent. Due to mother's noncompliance with her case plan in Las Vegas, her parental rights were terminated on January 11, 2007.

The social worker in the current case interviewed mother and asked her if she had ever attended a substance abuse program. Mother stated that she participated in a program for two months, but then relapsed for one week. After that, she decided not to use anymore. Mother also stated that she attended Narcotics Anonymous meetings.

The social worker further reported that there was constant domestic violence in the home, which put the child at risk of suffering serious harm. Mother continued to remain

[footnote continued from previous page]

² Father is not a party to this writ.

in a relationship with father despite the abuse. She had allowed father to return to the home at least three times, after leaving due to domestic violence incidents.

The jurisdiction/disposition hearing was held on March 14, 2007. Mother did not present any evidence, but simply asserted that she had been participating in services from the Riverside Substance Abuse 12-step program (the 12-step program). Counsel for the child informed the court that mother just started participating in the 12-step program on February 21, 2007. The court found that the child came within section 300, subdivisions (a), (b), and (g), declared the child a dependent of the court, and denied mother reunification services. The court set a section 366.26 hearing for July 12, 2007.

ANALYSIS

The Court Properly Denied Reunification Services

Mother's sole contention is that the court erred in denying reunification services pursuant to section 361.5, subdivisions (b)(10) and (b)(11). We reject mother's claim.

A. Standard of Review

"We affirm an order denying reunification services if the order is supported by substantial evidence. [Citation] 'In making this determination, we must decide if the evidence is reasonable, credible, and of solid value, such that a reasonable trier of fact could find the court's order was proper based on clear and convincing evidence.

[Citation.]' [Citation.]" (*In re Harmony B.* (2005) 125 Cal.App.4th 831, 839-840.)

B. There Was Sufficient Evidence

Section 361.5, subdivision (b)(10), provides that reunification services need not be provided to a parent when the court finds that a court ordered termination of reunification

services being provided to the parent for any sibling of the child because the parent failed to reunify with the sibling after he/she had been removed from that parent, and the parent has not subsequently made a reasonable effort to treat the problems that led to removal of the sibling. (§ 361.5, subd. (b)(10).) Subdivision (b)(11) similarly provides that reunification services need not be provided when the parental rights of a parent over any sibling of the child have been permanently severed, and that the parent has not subsequently made a reasonable effort to treat the problems that led to removal of the sibling. (§ 361.5, subd. (b)(11).)

Here, the evidence showed that mother's two older children were removed from her custody in Las Vegas because there was no food in the home and because mother tested positive for methamphetamine. Although she was offered services for parenting education and substance abuse, she failed to participate in her case plan. Thus, her parental rights were terminated on January 11, 2007. This evidence was sufficient to support the court's order denying reunification services under section 361.5, subdivision (b)(10) and (11).

Mother argues that she made a reasonable effort to treat the problems that led to the removal of her older children, as evidenced by the fact that her past issues (i.e., no food in the house and drug use) were not part of the current allegations. She also asserts that she was participating in a 12-step program. Mother's arguments are unpersuasive. Contrary to mother's claim, the section 300 petition alleged that mother had a history of substance abuse. Regardless, any lack of current allegations regarding substance abuse or providing an adequate home would not in any way establish that she has treated these

issues. The evidence shows that mother failed to participate in substance abuse treatment programs offered to her in Las Vegas. Although, at the jurisdiction/disposition hearing, she alleged that she was participating in the 12-step program, she failed to produce any evidence of her attendance or progress. Moreover, according to her claim, mother had only begun the 12-step program three weeks prior to the hearing. Furthermore, there was no indication that mother would provide an adequate or safe home for the child. In fact, subjecting the child to continual episodes of domestic violence by maintaining her relationship with father demonstrated that mother had not resolved her parenting issues.

In sum, there was sufficient evidence to support the court's denial of reunification services.

DISPOSITION

The writ petition is denied.

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/s/ HOLLENHORST
Acting P.J.

We concur:

/s/ McKINSTER
J.

/s/ RICHLI
J.